

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

FILED

15 MAR 18 AM 10:48

In re:

W.R. GRACE & CO., et al.

Reorganized Debtors.

) Chapter 11

) Case No. 01-01139 (KJC)
) (Jointly Administered)

) Hearing Date: April 14, 2015 at 10:00 a.m.
) Objection Deadline: March 17, 2015 at 4:00 pm

CLERK
US BANKRUPTCY COURT
DISTRICT OF DELAWARE

**RESPONSE TO MOTION FOR ORDER IMPLEMENTING THE PLAN'S DISCHARGE OF
PREPETITION LITIGATION CLAIMS AND THE RELATED INJUNCTION WHERE
CLAIMANTS DID NOT FILE PROOFS OF CLAIM**

The undersigned party, ROBETA PRETE, (one of the Falco/Prete Plaintiffs (as referred in the Motion and Notice filed herein), files this Response to the Motion for Order Implementing the Plan's Discharge of Prepetition Litigation Claims and the Related Injunction Where Claimants Did Not File Proofs Of Claim and states as follows:

1. That Frank Falco and I (Roberta Prete) were involved in an automobile accident on March 20, 1995, in Pinellas County, Florida. The Falco/Prete vehicle we were in was the lead vehicle.
2. That this automobile accident involved three (3) vehicles, one of which was operated by Thomas J. Mommaerts.
3. That Thomas J. Mommaerts was actively negligent in the causation of said accident by rear-ending the vehicle in front of his vehicle which was operated by Timothy L. Fisher.
4. That Thomas J. Mommaerts was allegedly an employee of W.R. Grace & Company.
5. That a lawsuit was filed in Pinellas County Circuit Court on behalf of Frank Falco and I (Roberta Prete) against Timothy L. Fisher, Thomas J. Mommaerts and W.R. Grace & Co. A copy of said Complaint is attached hereto as Exhibit "A".
6. That on February 12, 2002, a Notice of Voluntary Dismissal was filed against W.R. Grace & Co. A copy of said Notice of Voluntary Dismissal is attached hereto as Exhibit "B".
7. That Frank Falco and I (Roberta Prete) are not pursuing a claim against W.R. Grace & Co., as that claim was dismissed, and the applicable time to file suit against W. R. Grace & Co. has now expired.
8. That since Frank Falco and I (Roberta Prete) allege in the Complaint filed in Pinellas County Circuit Court that both Timothy L. Fisher and Thomas J. Mommaerts are active

tortfeasors by negligently operating their motor vehicles, the claim against both Timothy L. Fisher and Thomas J. Mommaerts should not be enjoined, nor should that lawsuit be dismissed, as Plaintiffs are pursuing said claims against said tortfeasors only, as individuals. W. R. Grace & Co. is not being sued in said lawsuit.

9. That pursuant to Florida's rear-end collision presumption, both Timothy L. Fisher and Thomas J. Mommaerts are presumed negligent.
10. That pursuant to Florida Law, the victim of an automobile collision is entitled to pursue a claim against the driver, the owner, and the employer (if in the course and scope of employment) in all or any combinations of the above.
11. Since this claim is not against W.R. Grace & Co., and W.R. Grace & Co. has not been a party to this case since February 12, 2002, the bankruptcy proceedings should not affect claim against the individual tortfeasors, Timothy L. Fisher and Thomas J. Mommaerts, as they may be held personally liable for their own sets of negligence.

WHEREFORE, the undersigned ROBETA PRETE (one of the Falco/Prete Plaintiffs) ask this Honorable Court for an Order denying the Motion For Order Implementing The Plan's Discharge Of Prepetition Litigation Claims and The Related Injunction Where Claimants Did Not File Proofs of Claim, and/or for any other relief that may be appropriate under the facts and the law.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to: Adam Paul, Esq.; Roger J. Higgins, Esq.; James E. O'Neill, Esq.; Office of the United States Trustee, Richard L. Schepacarter; Marla Rosoff Eskin, Esq.; Mark T. Hurford, Esq.; Philip E. Milch, Esq.; John C. Phillips, Jr., Esq.; R. Karl Hill, Esq.; Alan B. Rich, Esq.; Richard B. Schiro; Deborah D. Williamson, Esq.; Edward B. Cottingham, Jr., Esq.; M. Dawes Cooke, Esq.; Daniel K. Hogan, Esq.; Yves Lauzon, Esq.; Michel Belanger, Esq., on this 13 day of March, 2015.



ROBETA PRETE, Pro Se
51 Imperial Avenue
Cranston, RI 02920-2318